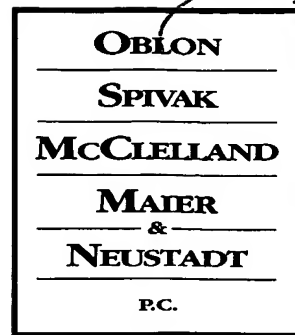




Docket No.: 250128US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/796,036
Applicants: Junichi SHINOHARA
Filing Date: March 10, 2004
For: IMAGE INPUTTING APPARATUS
Group Art Unit: 2612
Examiner: GARBER, W. R.

SIR:

Attached hereto for filing are the following papers:

PETITION TO MAKE SPECIAL UNDER MPEP §708.02(VIII)

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


James J. Kulbaski

Registration No. 34,648

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Andrew T. Harry
Registration No. 56,959

DOCKET NO: 250128US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JUNICHI SHINOHARA : EXAMINER: GARBER, W. R.
SERIAL NO: 10/796,036 :
FILED: MARCH 10, 2004 : GROUP ART UNIT: 2612
FOR: IMAGE INPUTTING APPARATUS :

PETITION TO MAKE SPECIAL UNDER MPEP §708.02(VIII)

COMMISSIONER FOR PATENTS
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SIR:

I. Basis for the Petition

Pursuant to MPEP §708.02(VIII) (8th ed. Rev. 2004), Applicants hereby petition for a special status for this Application.

II. Requirements for Granting Special Status

MPEP §708.02(VIII) established five requirements for a grant of special status. The following subsections show that each of these five requirements is satisfied in the above-identified case.

A. Submit Petition and Fee: §708.01(VIII)(A)

This petition is accompanied by the fee set forth in 37 C.F.R. §1.17(h).

B. Agree to an Election Without Traverse: §708.02(VIII)(B)

Applicants submit that Claims 1-10 as filed are directed to a single, patentable invention. If a restriction requirement is imposed in this Application, Applicants agree to elect without traverse.

C. State that a Preexamination Search was Made: §708.02(VIII)(C)

The European Patent Office conducted a search for European Application EP 04 25 1423. The resulting European Search report qualifies as a preexamination search because the present application has not been examined on the merits and because the disclosure of the present application is substantially identical to the disclosure of European Application EP 04 25 1423, and the current claims are of the same and/or similar scope of the above-mentioned application.

The European Search Report in European Application EP 02 25 5916 lists four references indicated as “X” references. The European Search Report indicates the search included international classifications H04N, G03B and G02B.

D. Submit a Copy of the Most Relevant References: §708.02(VIII)(D)

The references cited in the European Search Report were made of record in the Information Disclosure Statement filed September 7, 2004. Further, an Information Disclosure Statement was filed on July 27, 2004, listing one additional reference. All references cited in the European Search Report and the reference cited in the Information Disclosure Statement of July 27, 2004 are discussed below with reference to the claimed subject matter of Claims 1-20.

E. Submit a Detailed Discussion of the References, Pointing Out How the Claimed Subject Matter is Patentable Over the References: §708.02(VIII)(E)

Consistent with the search discussed above, Applicants submit that the independent claims of the present invention patentably distinguish over the references cited in the European Search Report. Additionally, Applicants submit that the independent claims of the present invention patentably distinguish over all of the references of record, including the reference cited in the IDS of July 27, 2004, and those not cited in the European Search Report. Reasons for the patentability of independent Claim 1 are provided below.

Claim 1 recites:

An image inputting apparatus, comprising:
a photographic optical system for projecting an image of an object;
an imaging device for converting the projected image into an image signal and outputting it;
a focus driving device which changes a focusing condition of the image projected to said imaging device by relatively moving at least one of a part or an entire of said photographic optical system and said imaging device to the other;
a first auto focusing device which sequentially evaluates said image signal obtained in each focusing condition while subsequently changes said focusing condition by controlling said focus driving device, and which obtains a predetermined focusing condition based on the evaluation;
a controlling device for controlling an operation of said first auto focusing device, and
a ranging device for measuring object distance which is a distance to said subject,
wherein said controlling device controls the operation of said first auto focusing device according to the subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed.

U.S. Patent Application Publication 2002/0149689 (Sannoh et al., hereinafter US '689) describes a image pickup device having a central processing unit (1) that obtains photography advisory information showing whether an image can actually be picked up, and

an image processor that displays a target mark used for the photography criterion on display.¹ US '689 specifically describes that an auto focusing operation is performed using an auto focus (AF) sensor (9) that obtains distance measurement information by measuring the object distance by passive or active auto focus techniques.² The results of the auto focus operation are then interactively displayed to the user so that they are able to be informed regarding the status of the auto focus operation of the camera.³ However, while US '689 does describe auto focus operations using a control device (1) and a range device (9), the US '689 publication fails to teach or suggest the ability to “control the operation of said first auto focusing device according to the subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed”, in fact, US '689 fails to discuss the ability to prioritize any of the auto focus operations.

U.S. Patent No. 5,597,999 (Kinba et al., hereinafter the '999 patent) describes an auto focus detecting device capable of focus detection by both a contrast detecting method and a phase-difference detecting method.⁴ The '999 patent describes that an area sensor (7) and microcomputer (19) are provided to facilitate the auto focus operation depicted, for example, in Fig. 6.⁵ The process begins with a distance measurement, then both phase-difference and contrast detection focusing techniques are used in a constant loop until the release switch (shutter) is turned on. However, as discussed above in reference to US '689, the '999 patent does not describe that focusing accuracy or speed are able to be prioritized based on a subject distance obtained by the ranging device. Therefore, the '999 patent fails to teach or suggest the ability to “control the operation of said first auto focusing device according to the subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed”, as recited in independent Claim 1.

¹US '689, Fig. 1 and abstract.

²Id., ¶ [0038-0049].

³Id.

⁴The '999 patent, abstract.

⁵Id., col. 4, lines 18-54.

U.S. Patent Application Publication 2001/0026683 (Morimoto et al., hereinafter US '683) describes an auto focus digital camera including a camera control CPU (20) and an image sensor (8), which is able to perform auto focus operations in the basis of phase detection.⁶ However, since the camera having the auto focus function in US '683 is a phase detection based, the camera does not include a “ranging device for measuring a subject distance which is a distance to said subject”, as recited in independent Claim 1. Further, as discussed above regarding the first two cited references, US '683 does not describe that an auto focusing operation is able to be prioritized based on one of a focusing accuracy or focusing speed based on the subject distance. Therefore, US '683 fails to teach or suggest the ability to “control the operation of said first auto focusing device according to the subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed”, as recited in independent Claim 1.

Japanese Patent Application No. 2000064198 (Shigeru, hereinafter JP '198) describes an auto focusing device capable of accurately detecting a focusing position in a short time and to a user's preferences.⁷ The device includes a focus lens system (101a) and a zoom lens system (101b), a CCD (103) and a CPU (121) for determining a final focusing position based on the detected result of the CCD and external auto focus.⁸ However, JP '198 fails to teach or suggest “a ranging device for measuring a subject distance”, as recited in Claim 1.

Further, while JP '198 describes that the auto focusing may be prioritized on the basis of a users preference, JP '198 fails to describe that the operations are able to be prioritized based on “said subject distance obtained by said ranging device” and specifically fails to teach or suggest the ability to “control the operation of said first auto focusing device according to the

⁶US '683, Fig. 3 and abstract.

⁷JP '198, abstract.

⁸Id.

subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed”, as recited in independent Claim 1.

Japanese Patent Application No. 2000069064 (Matsumoto et al., hereinafter JP ‘064) describes a range-finding device realizing high-speed and high-accuracy auto focus that prevents excessive time lag to perform high-accuracy auto focus operations.⁹ Specifically, in the range-finding device, a control part (13) determines whether the mode in which a lag time is prioritized is selected by a photographing mode selection part (27). When the lag time prioritizing mode is selected, a range-finding command is transmitted to a passive range-finding part (14) to start an external-type auto focus. When this mode is not selected, the control part performs a climbing contrast auto focus operation. Thus, the speed versus accuracy of the range-finding operation is based on a selection by the user, in contrast, Claim 1 recites that the auto focus operation is prioritized based on the subject distance obtained by the ranging device. Therefore, JP’064 fails to teach or suggest the ability to “control the operation of said first auto focusing device according to the subject distance obtained by said ranging device to prioritize either a focusing accuracy or a focusing speed”, as recited in independent Claim 1.

Claims 2-10 are dependent from Claim 1, and thus are patentable for at least the reasons described above. Accordingly, Applicants respectfully submit that the features recited in pending Claims 1-10 patentably distinguish over the references of record.

⁹JP ‘064, abstract.

III. Conclusion

The petition to make special meets all the requirements of MPEP §708.02(VIII), and therefore, should be granted. Accordingly, Applicants respectfully request that this Application be advanced out of turn for examination, and that the assigned Examiner, pursuant to the suggestions of MPEP §708.02(VIII), contact the undersigned to schedule an interview to further facilitate the advancement of prosecution in this case.

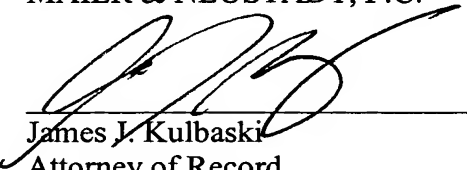
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Andrew T. Harry
Registration No. 56,959